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FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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BY \_\_\_\_\_ DEPUTY

UNITED STATES OF AMERICA

v.

CALEB ANDREW BAILEY,

Defendant

CRIMINAL NO. PWG-16-0246

(Unlawful Transport of Explosive  
Materials by a Non-Licensee,  
18 U.S.C. § 842(a)(3)(A); Illegal  
Possession of Machine Guns,  
18 U.S.C. § 922(o); Receipt and  
Possession of Unregistered Short-  
Barreled Rifles, 26 U.S.C. § 5861(d);  
Receipt and Possession of Unregistered  
Destructive Devices, 26 U.S.C.  
§ 5861(d); Production and Attempted  
Production of Child Pornography,  
18 U.S.C. §§ 2251(a) and (e); Possession  
of Child Pornography, 18 U.S.C.  
§ 2252A(a)(5)(B); Witness Tampering,  
18 U.S.C. § 1512(b)(2)(B); Forfeiture,  
18 U.S.C. §§ 924(d)(1) and 2253,  
21 U.S.C. § 853, 26 U.S.C. § 5872(a),  
28 U.S.C. § 2461(c))

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**SUPERSEDING INDICTMENT**

**COUNT ONE**

**(Unlawful Transport of Explosive Materials by a Non-Licensee)**

The Grand Jury for the District of Maryland charges that:

On or about February 18, 2016, in the District of Maryland, the defendant,

**CALEB ANDREW BAILEY,**

not being a licensee and permittee as defined in Title 18, United States Code, Section 841,  
knowingly transported explosive materials, to wit: 119 rounds of reloaded .50 caliber cartridges  
with M48A1 incendiary projectiles and 200 rounds of 14.5mm M183A1 spotting projectiles that

contain an explosive charge, to another person who was not a licensee and permittee as defined in Title 18, United States Code, Section 841.

18 U.S.C. § 842(a)(3)(A)

**COUNT TWO**  
**(Illegal Possession of Machine Guns)**

The Grand Jury for the District of Maryland further charges that:

On or about May 5, 2016, in the District of Maryland, the defendant,

**CALEB ANDREW BAILEY,**

knowingly possessed machine guns, as defined by Title 18, United States Code, Section 921(a)(23) and Title 26, United States Code, Section 5845(b), to wit: (1) a modified H&K Model USC .45 ACP caliber firearm (marked UMP), bearing serial number 47-010716; (2) a modified MKE Model T94K-AT-94K, 9 millimeter caliber firearm, bearing serial number T0624-09Z00125; (3) a modified H&K Model USC .45 ACP caliber firearm (marked UMP), bearing serial number 47-003203; (4) a modified Vector Arms Model V89P, .357 Sig caliber firearm, bearing serial number P50 085; (5) a modified Coharie Arms Model CA89-357, .357 Sig caliber firearm, bearing serial number P50 029; (6) a modified H&K Model USC, 9 millimeter caliber firearm (marked UMP), bearing serial number 47-009490; (7) a modified Spike's Tactical Model ST-15, 5.56 caliber firearm, bearing serial number RM-17652; (8) a modified FN Model PS90, 5.7 caliber firearm, bearing serial number FN081426; (9) a modified Spike's Tactical Model ST-15, 5.56 caliber firearm, bearing serial number RM-18613; (10) a modified Spike's Tactical Model ST-15, 5.56 caliber firearm, bearing serial number RM-10815; (11) a modified Spike's Tactical Model ST-15, 5.56 caliber firearm, bearing serial number RM-18611; (12) a modified Vector Arms Model V94P, 9x19 millimeter caliber firearm, bearing serial number VZ9 00002; (13) a modified POF USA Model P-416, 5.56 caliber firearm, bearing serial number 08-00395; and (14) an Uzi-type machinegun conversion bolt with no serial number.

18 U.S.C. § 922(o)



**COUNT THREE**  
**(Receipt and Possession of Unregistered Short-Barreled Rifles)**

The Grand Jury for the District of Maryland further charges that:

On or about May 5, 2016, in the District of Maryland, the defendant,

**CALEB ANDREW BAILEY,**

knowingly received and possessed firearms, as defined in Title 26, United States Code, Section 5845(a)(3), specifically, rifles having a barrel length of less than sixteen inches, not registered to him in the National Firearms Registration and Transfer Record, to wit: (1) a FEG Model SA 2000M, 7.62x39 caliber rifle, bearing serial number EE11471; (2) a Gunsmoke Enterprises Model M15-Match, .223/5.56 caliber rifle, bearing serial number GE03032; (3) a modified Uzi Model A, 9x19 millimeter caliber rifle, bearing serial number SA 24486; (4) an Olympic Arms Model M.F.R., 5.56 caliber firearm, bearing serial number CH 0580; (5) a DC Industries Model NDS-M92, 7.62x39 millimeter rifle, bearing serial number K1094; (6) an AR-15 type, 5.56 caliber firearm with no serial number; (7) an Olympic Arms Model M.F.R., 5.56 caliber firearm, bearing serial number SB 7491 with H&K MR 556 A1 upper assembly; (8) a Modified H&K Model USC, .45 ACP firearm (marked UMP), bearing serial number 47-003476; (9) a Gunsmoke Enterprises Model M15-Match, .223/5.56 caliber rifle, bearing serial number GE02942; (10) a modified IWI Model 45, .45 ACP caliber rifle, bearing serial number 003401; (11) a DPMS Model A-15 rifle, 5.56 caliber, bearing serial number 27347; (12) a modified FN PS90, 5.7 caliber firearm, bearing serial number FN063944; (13) a modified Coharie Arms Model CA89-40, .40 S&W caliber firearm, bearing serial number DHB 013; and (14) a Rock River Arms Model LAR-15, 5.56 caliber firearm, bearing serial number AC 2023141.

26 U.S.C. § 5861(d)

**COUNT FOUR**  
**(Receipt and Possession of Unregistered Destructive Devices)**

The Grand Jury for the District of Maryland further charges that:

On or about May 5, 2016, in the District of Maryland, the defendant,

**CALEB ANDREW BAILEY,**

knowingly received and possessed firearms, as defined in Title 26, United States Code, Section 5845(a)(8), specifically destructive devices, not registered to him in the National Firearms Registration and Transfer Record, to wit: (1) a Penn Arms Model SL-6-37, 37 millimeter rifle bore launcher, bearing serial number M0330; (2) a Rapid Fire Model RF203, 40 millimeter grenade launcher, bearing serial number 0154; (3) a Penn Arms Model FL1-37, single-shot 37 millimeter smooth bore launcher, bearing serial number F 1195; (4) a Spike's Tactical 37 millimeter smooth bore launcher with no serial number; (5) a Bates & Dittus LLC Model TBL-37 smooth bore 37 millimeter launcher, bearing serial number 46695 with 26 millimeter insert; (6) a Penn Arms 37 millimeter smooth bore launcher, bearing serial number FP0110; (7) a Bates & Dittus LLC Model TBL-37 smooth bore 37 millimeter launcher, bearing serial number 46535; (8) a Bates & Dittus LLC Model ExD-37 smooth bore, 37 millimeter launcher, bearing serial number 02527; (9) a DEF-TEC Corporation 37 millimeter "Gas Gun" smooth bore launcher, bearing serial number D04822; (10) a Spike's Tactical 37 millimeter smooth bore launcher with no serial number; (11) a DEF-TEC Corporation 37 millimeter "Gas Gun" smooth bore launcher, bearing serial number D07914; (12) a Bates & Dittus LLC Model SML-37 smooth bore launcher, bearing serial number 46561; (13) a M-203 type 37 millimeter smooth bore launcher with no serial number; (14) a Spike's Tactical 37 millimeter smooth bore launcher with no serial number; (15) a Bates & Dittus LLC Model TBL-37 smooth bore, 37 millimeter launcher, bearing serial number 46529; (16) a DEF-TEC Corporation 37 millimeter "Gas Gun" smooth bore

launcher, bearing serial number D06323; (17) a Bates & Dittus LLC Model TBL-37 smooth bore, 37 millimeter launcher, bearing serial number 46528; (18) a Penn Arms 37 millimeter smooth bore launcher, bearing serial number FP0114; (19) a Combined Tactical Systems Model TL8, 37-38 millimeter smooth bore launcher, bearing serial number CTL 0219; (20) a Penn Arms Model L8-37 millimeter smooth bore six shot launcher, bearing serial number PA0420; and (21) six AN-M14 thermite grenades.

26 U.S.C. § 5861(d)



**COUNT FIVE**  
**(Production and Attempted Production of Child Pornography)**

The Grand Jury for the District of Maryland further charges that:

Between in or about March 2015 and in or about January 2016, in the District of Maryland and elsewhere, the defendant,

**CALEB ANDREW BAILEY,**

knowingly attempted to and did employ, use, persuade, induce, entice, and coerce a minor (Victim 1) to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction had been produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer.

18 U.S.C. §§ 2251(a) and (e)

**COUNT SIX**  
**(Production and Attempted Production of Child Pornography)**

The Grand Jury for the District of Maryland further charges that:

Between in or about March 2014 and in or about January 2016, in the District of Maryland and elsewhere, the defendant,

**CALEB ANDREW BAILEY,**

knowingly attempted to and did employ, use, persuade, induce, entice, and coerce a minor (Victim 2) to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction had been produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer.

18 U.S.C. §§ 2251(a) and (e)



**COUNT SEVEN**  
**(Possession of Child Pornography)**

The Grand Jury for the District of Maryland further charges that:

On or about May 5, 2016, in the District of Maryland, the defendant,

**CALEB ANDREW BAILEY,**

knowingly possessed any material that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8), which image had been shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

18 U.S.C. § 2252A(a)(5)(B)

**COUNT EIGHT**  
**(Witness Tampering)**

The Grand Jury for the District of Maryland further charges that:

**Background**

1. On or about March 10, 2016, federal law enforcement agents with the Bureau of Alcohol, Tobacco, Firearms, and Explosives began a federal investigation of defendant **CALEB ANDREW BAILEY** ("**BAILEY**") for possible violations of federal criminal laws related to the unlawful transport of explosives materials by a non-licensee.
2. On or about March 14, 2016, a federal Grand Jury for the District of Maryland initiated an investigation related to the same matters.
3. On or about May 5, 2016, law enforcement agents executed a federal search warrant at **BAILEY**'s residence, which was located at 14475 Masons Crossing Road, Waldorf, Maryland.
4. On or about May 5, 2016, at approximately 11:10 a.m. (when law enforcement made entry pursuant to the search warrant), Victim 2 was the only occupant of 14475 Masons Crossing Road. **BAILEY** was not present.
5. On or about May 5, 2016, prior to law enforcement's entry into the residence, **BAILEY** contacted Victim 2 and instructed Victim 2 to remove electronic devices from 14475 Masons Crossing Road and hide these items at a specific location in a wooded area behind **BAILEY**'s residence.

**The Charge**

6. On or about May 5, 2016, in the District of Maryland, the defendant,

**CALEB ANDREW BAILEY,**

attempted to and did knowingly and corruptly persuade Victim 2 with the intent to cause and induce Victim 2 to alter, destroy, mutilate, and conceal certain objects, namely electronic devices, that **BAILEY** used to store child pornography videos and images, to impair their integrity and availability for use in official proceedings, that is, a federal Grand Jury investigation and any subsequent federal criminal proceedings involving **BAILEY**.

18 U.S.C. § 1512(b)(2)(B)



**FORFEITURE ALLEGATION**

The Grand Jury for the District of Maryland further finds that:

1. Pursuant to Federal Rule of Criminal Procedure 32.2, notice is hereby given to the defendant that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Sections 924(d) and 2253; Title 26 United States Code, Section 5872(a); Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461(c), in the event of the defendant's convictions on Counts One through Seven of this Superseding Indictment.

**Explosives, Firearms, and Ammunition Forfeiture**

2. Pursuant to Title 18, United States Code, Section 924(d); Title 26, United States Code, Section 5872(a); and Title 28, United States Code, Section 2461(c), upon conviction of the offenses set forth in Counts One through Four of this Superseding Indictment, the defendant,

**CALEB ANDREW BAILEY,**

shall forfeit to the United States any explosive, firearm, and ammunition involved or used in such offenses.

**Child Pornography Forfeiture**

3. Pursuant to Title 18, United States Code, Section 2253, upon conviction of the offenses set forth in Counts Five through Seven of this Superseding Indictment, the defendant, shall forfeit to the United States:

a. Any visual depiction described in Title 18, United States Code, Sections 2251 and 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;

b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and

c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses, including but not limited to a 2008 Endura Max Gladiator recreational vehicle bearing Maryland registration GNCCXC.

**Substitute Assets**

4. If any of the property described above, as a result of any act or omission of the defendant,

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b).

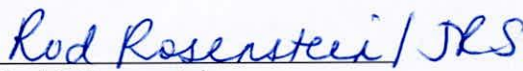
18 U.S.C. § 924(d)(1)

18 U.S.C. § 2253

21 U.S.C. § 853

26 U.S.C. § 5872(a)

28 U.S.C. § 2461(c)

  
Rod J. Rosenstein  
United States Attorney

A TRUE BILL:

**SIGNATURE REDACTED**

For person

Date: August 10, 2016